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December 5, 2008

Thomas S. Burack, Chairman NH Site Evaluation Committee c/o NH Department of Environmental Services 29 Hazen Drive, P.O. Box 95 Concord, NH 03302-0095

Re: Docket No. 2008-04 - Application of Granite Reliable Power, LLC for a certificate of Site and Facility for the Granite Reliable Power Wind Park in Coos County

## Dear Chairman Burack:

Enclosed are an original and 9 copies of Granite Reliable Power, LLC's Response to the December 3, 2008 Motion of Kathlyn J. Keene, Intervenor to Request Enlargement of Time to Submit Pre-filed Testimony in the above-captioned matter.

Thank you for your cooperation. Please let me know if you have any questions.

Douglas I Patch

cc. Service list in SEC Docket No. 2008-04 Enclosure

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## STATE OF NEW HAMPSHIRE SITE EVALUATION COMMITTEE

Docket No. 2008-04

RE: APPLICATION OF GRANITE RELIABLE POWER, LLC
FOR A CERTIFICATE OF SITE AND FACILITY
TO CONSTRUCT AND OPERATE
THE GRANITE RELIABLE POWER WINDPARK

## APPLICANT'S RESPONSE TO MOTION OF KATHLYN J. KEENE, INTERVENOR TO REQUEST ENLARGEMENT OF TIME TO SUBMIT PRE FILED TESTIMONY

NOW COMES Granite Reliable Power, LLC ("GRP" or "the Applicant") by and through its undersigned attorney and responds to the Motion of Kathlyn J. Keene, Intervenor to Request Enlargement of Time to Submit Pre-filed Testimony submitted by email on December 3, 2008 in the above-captioned matter ("the Motion") by stating as follows:

- 1. On September 26, 2008 the Presiding Officer in the above-captioned matter issued a Report of the Pre-hearing Conference ("the Report"). The Report included the procedural schedule agreed to by the Applicant, Public Counsel and the prospective intervenors present at the pre-hearing conference. Ms. Keene did not appear at the pre-hearing conference. The above-referenced schedule called for Intervenors and Public Counsel to file pre-filed testimony by December 10, 2008 and contained a number of other deadlines that followed from that date and that were based on statutorily prescribed deadlines.
- 2. GRP has responded to over 440 data requests from the parties to this proceeding and met the deadlines contained in the September 26, 2008 report. On November 21, 2008,

consistent with the schedule, the parties met in Lancaster and held Technical Session #2. At that technical session it was agreed that the parties would hold another technical session in December. That has since been scheduled for December 19, 2008. When this additional technical session was discussed during the technical session, both the Applicant's counsel and counsel for the Committee explicitly asked the parties a number of times whether they understood that this would not change the rest of the schedule for this proceeding. In addition, counsel for the Committee specifically noted that the next deadline in the schedule was the December 10th deadline for Intervenors and Public Counsel to file testimony. None of the parties present (including Ms. Keene) disagreed with this.

- 3. On December 3, 2008 Kathlyn J. Keene sent an email to Thomas S, Burack, Chairman of the Site Evaluation Committee, seeking an extension of the deadline for filing of intervenor and Public Counsel testimony to January 10, 2008. While Ms. Keene does not suggest any other changes to the schedule, some changes will in fact be necessary if the date for Intervenor and Public Counsel testimony is changed.
- 4. In response to Ms. Keene's request for an extension of the December 10th deadline, on December 2, 2008 GRP proposed the following to Ms. Keene and Public Counsel in good faith to try to accommodate their concerns, but still keep the schedule on track to meet the statutory deadlines:

GRP could agree to the following changes to the schedule contained in the September 26, 2008 Report of Pre-Hearing Conference to accommodate your request for a later date to file intervenor testimony, but still keep as much of the rest of the schedule as possible on track to meet the statutory timelines:

December 19, 2008	Technical Session # 3
January 2, 2008	Responses to Data Requests from Technical Session #3
January 5, 2008	Intervenors and Public Counsel to file pre-filed testimony

January 15, 2008 Applicant to Propound data requests to Intervenors and Public Counsel

January 29, 2008 Intervenors and Public Counsel to answer data requests propounded by Applicant

February 3, 2008 Technical Session #4

February 13, 2008 Responses to Technical Session #4 data requests due

The rest of the schedule would stay the same.

- 5. Ms. Keene indicated she could not agree with this change. GRP's undersigned counsel believes, based on an exchange of voicemails with Public Counsel, that this change is acceptable to Public Counsel.
- 6. While GRP objects to Ms. Keene's Motion because it does not reflect any consideration of the remainder of the schedule, GRP could support the schedule change noted above. The interested parties who took time and were present for the pre-hearing conference developed a reasonable and thoughtful schedule, which conforms to the statutory time frames. In these circumstances, GRP believes that the remainder of the schedule, other than the proposed changes noted above, should remain in place.

Wherefore, the Applicant respectfully requests that the Presiding Officer:

- A. Grant the request to modify the procedural schedule for this proceeding consistent with that proposed by GRP above;
- B. Leave in place the remainder of the schedule included in the Report of Pre-Hearing Conference dated September 26, 2008; and
  - C. Grant such other relief as may be just and equitable.

Respectfully submitted,

Granite Reliable Power, LLC

By Its Attorneys

Douglas L. Patch Orr & Reno, P.A. One Eagle Square Concord, N.H. 03302-3550 (603) 223-9161 Fax (603) 223-9061 dlp@orr-reno.com

Dated: December 4, 2008

## Certificate of Service

I hereby certify that, on the date written below, I caused the within Response to be sent by electronic mail or U.S. mail, postage prepaid, to the persons on the attached list.

Date

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Douglas L. Patch